

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.07 R, Closed Area No. 20-H, Lower Kennebec River, Phippsburg, Georgetown, and Arrowsic, promulgated on January 13, 2004, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.07 R, Closed Area No. 20-H, Lower Kennebec River, Phippsburg, Georgetown, and Arrowsic.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the lower Kennebec River north of a line drawn from Squirrel Pt., Arrowsic, northwest to the east end of Church Road, Phippsburg, just north of the mouth of Center Pond; AND south of a line drawn from the southwest point of Bluff Head, Arrowsic, due west to the nearest point of land.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Back River, Arrowsic and Georgetown, north of a line drawn from the south tip of Bald Head, Arrowsic, southeast to the south tip of Crow Island, then southeast to Rotunda Hill, West Georgetown.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Mill Pond, Phippsburg, north of a line drawn northeast from the first small point of land approximately 200 feet south of the west corner of the Mill Pond dam to the east corner of the dam.
4. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Todd Bay, Georgetown, south and east of a line drawn due east from the south tip of Marr Island to a red painted post located on the southwest tip of the nearest point of land on the mainland shore; AND north and east of a line drawn southeast from the south tip of Marr Island to the north tip of Long Island, Georgetown, then to Spinney Point, Georgetown.
5. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the lower Kennebec River inside and north of a line drawn south from the southeast tip of Bay Point, Georgetown, to the "5A" spindle at Jack Rock, then northwest to the most eastern point of Hunniwell Point, Phippsburg, then to Gilbert Head on the south tip of Long Island, Georgetown, AND south of a line drawn due west from the ice breaker pilings in Georgetown to Long Island.
6. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Wood Island within 500 feet of the eastern shore from the northernmost tip of the island to the southeast tip.
7. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the lower Kennebec River inside and south of a line drawn southwest from the northwest tip of Hunniwell Point, Phippsburg, to the land end of the pilings at Sabino Head, Phippsburg.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: August 11, 2004

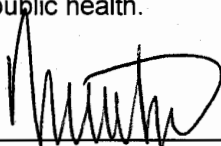
AGENCY CONTACT PERSON:

Amy M. Fitzpatrick
Department of Marine Resources
194 McKown Point Road
West Boothbay Harbor, Me. 04575

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.07 R, Closed Area No. 20-H, Lower Kennebec River, Phippsburg, Georgetown, and Arrowsic, promulgated on January 13, 2004, and replaces it with two new regulations. The new regulation, Closed Area 20-H, describes the permanent closures in the Kennebec River. The new regulation, for Closed Area 20-G, describes the conditional shellfish areas in the Kennebec River. This is an administrative change only.

Department personnel have determined that the closed areas are subject to overboard discharges and/or intermittent biological contamination, which pose a threat to public health.

A handwritten signature in black ink, appearing to read 'David Etnier', is written over a horizontal line.

DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

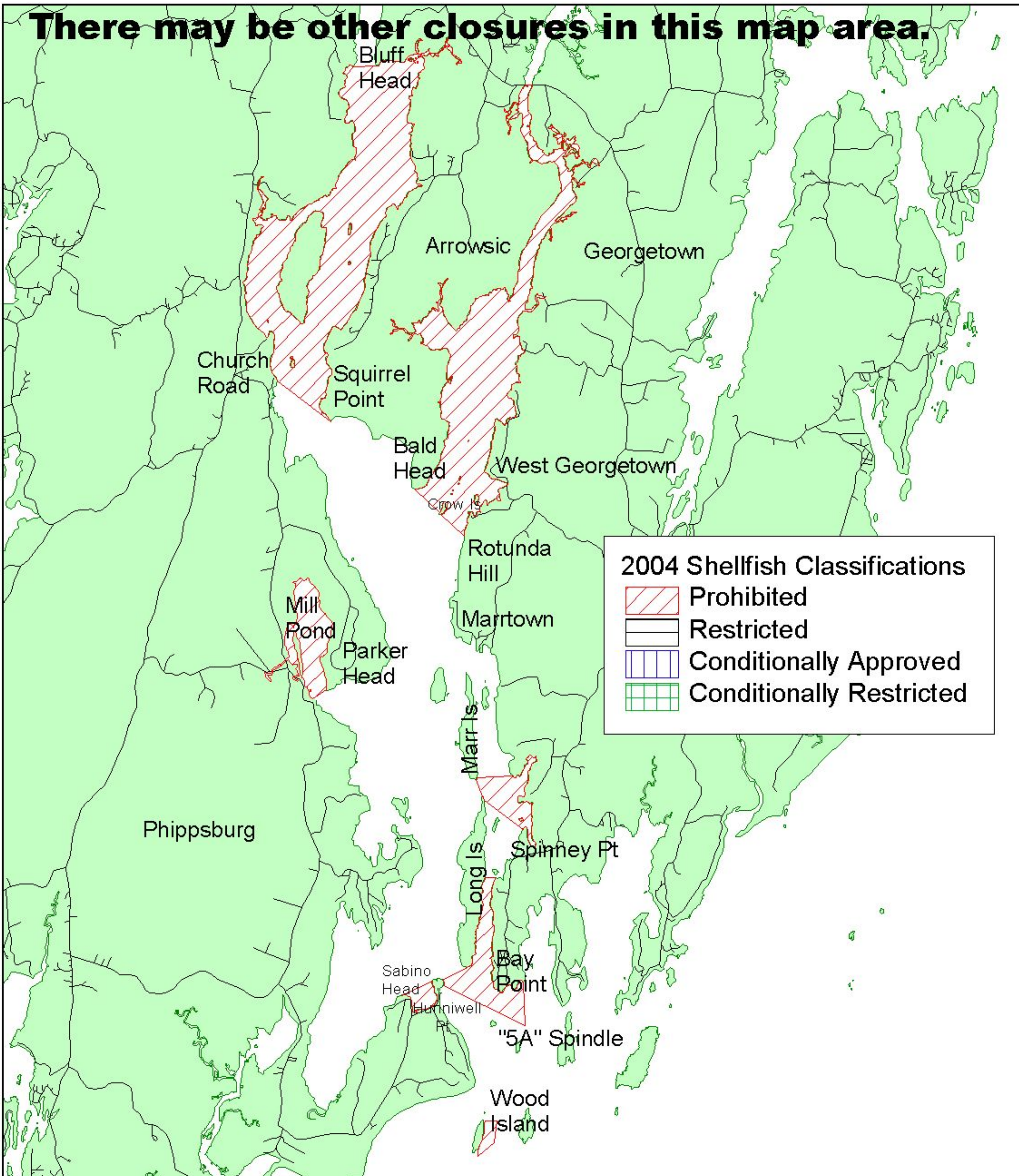
Legal Notice of Shellfish Closure Area

C20H Lower Kennebec River


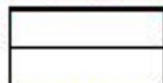


8/11/04



There may be other closures in this map area.



2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted

0.7 0 0.7 1.4 Miles

